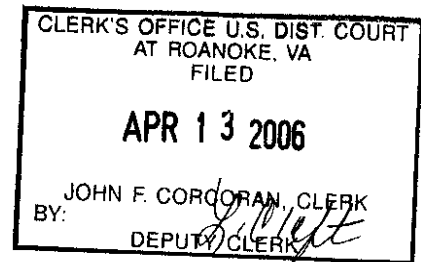


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



EDWIN R. CRUZ,
Petitioner,

v.

GENE M. JOHNSON,
Respondent.

Civil Action No. 7:05-cv-00517

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that respondent's motion to dismiss shall be and is hereby **GRANTED**; the petition for a writ of habeas corpus, pursuant to U.S.C. § 2254, is hereby **DISMISSED** without prejudice for failure to exhaust state court remedies completely; and the action is hereby stricken from the active docket.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 13th day of April, 2006.



Senior United States District Judge